

The Board of Commissioners of Fayette County, Georgia met in Official Session on June 6, 2001, at 3:30 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT:   Greg Dunn, Chairman  
                                      Linda Wells, Vice Chair  
                                      Herb Frady  
                                      A.G. VanLandingham

STAFF MEMBERS PRESENT:   Carol Chandler, Executive Assistant  
                                      Dennis Davenport, Assistant County Attorney  
                                      Linda Rizzotto, Chief Deputy Clerk

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Chairman Dunn called the meeting to order, offered an invocation and the led the pledge to the Flag.

**PRESENTATION/RECOGNITION:**

**EMPLOYEE SERVICE AWARDS:** Chairman Dunn had the Commissioners join him down front for personnel service awards.

**Wendell Detty:** Jim George, Director for the Grounds and Maintenance Department spoke about Mr. Detty and the duties he performed. He commended Mr. Detty for always being early to work. He said Mr. Detty had never been late in his 10 years of service to the county.

**Betty Harris:** In the absence of Sheriff Johnson who couldn't be present due to a death in the family, Chairman Dunn spoke on behalf of the Sheriff. He stated Ms. Harris was a critical employee as she was the supervisor of the kitchen. He said Ms. Harris, like Mr. Detty, had never been late for work in the 15 years she has worked for the Sheriff.

Chairman Dunn said these were the kind of people he loved to bring attention to because a lot of people who work for the county were very visible, but most of the employees were not. He said Ms. Harris worked behind closed doors and Mr. Detty works out with the crews and most people didn't notice these people, but these were the day to day people who provide us with the best quality of life in Georgia. He said it was rare that the county had serious employee problems, but it was very common to get compliments on our employees from the public, as well as other people who work with us from other governments.

Chairman Dunn mentioned that Ms. Harris had a big challenge coming because right now, she prepares about 500 meals per day, but she was about to become the Director for Food Services in the new jail that may house 440 inmates in the not too distant future. He said she has a lot of adjustments to make. He said Ms. Harris has lived in Fayetteville since before the Dairy Queen.

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Other employees not in attendance but who will receive an award for 15 years of service were Lesley Hand, and Steven Ventura with the Road Department.

**OLD BUSINESS:**

**REQUEST FROM THE CITY OF FAIRBURN TO ANNEX 22-ACRES OF FAYETTE COUNTY PROPERTY INTO FAIRBURN'S CORPORATE LIMITS:** This discussion is continued from the May 24, 2001 Commission meeting.

*Note: The Clerk has made every effort to type the minutes as presented, however, Attorney C. Brad Sears did not speak into a mic and his message was unclear at times. Therefore, the clerk was unable to put down everything Mr. Sears said.*

Chairman Dunn stated the county received a notification from the City of Fairburn dated May 11, 2001, which arrived on or about May 14, 2001. He remarked he was mentioning the dates because it triggered legal actions. He said the city notified Fayette County that the land owners or their representatives had requested to be annexed into the City of Fairburn. He stated this was an interesting dilemma for Fairburn and Fayette County because we haven't had to face this before. He said normally, annexation was within the county, which caused enough problems on its own without having to go across county lines. He remarked, nonetheless, receipt of the letter from Fairburn triggered legal responsibilities for both parties under State law. He mentioned that under State law, Fayette County was required to do one of two things, (1) turn down the request for annexation out of hand, which would trigger reporting to be done within thirty (30) days of notification. He said option (2) was to have a public meeting with the governing authority of the City of Fairburn to determine all the facts that we could on this and then make a decision. He said hopefully at that point, the county would have more information. He commented what occurred here was the Board decided it wanted more information so we invited them to appear here today, at a public hearing. He reminded those present that the requirements were triggered by Fairburn's letter to the County Commissioners so we have to follow the letter of the law in his mind.

Chairman Dunn stated one of the problems he had today, that he mentioned to the Mayor a few minutes ago, was that the law requires Fayette County to meet with the governing authority of the City of Fairburn on this. He commented the law was very plain on that, it did not say we could meet with a representative of the City, it said we must meet with the governing authority. He remarked the Mayor was here but nobody else from the City Council was here. He asked if they expected anyone from the Council to come.

City Attorney, C. Brad Sears replied no, and explained that it posed much like what the Chairman ran into earlier in the meeting with only having two of the four employees present who were being honored. He said work schedules and other events of the Council prevented any of the council members from being present here this afternoon. He said he believed most

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of the Council could be available for a 6:00 p.m. meeting. He said his Board held evening meetings rather than daytime meetings.

Chairman Dunn reiterated that what the county was doing today was precipitated by Fairburn's notification to the county. He said this left the county in a position where it had to have a public meeting with Fairburn within a short period of time, or have no meeting at all. He stated if his understanding of the law was correct, Fayette County sent Fairburn a letter which followed the law precisely. He said the Board invited Fairburn's governing authority to a meeting here, which included at least three of the city's council members and the Mayor, or the Mayor pro-tem and three council members. He added that any four of these people could have been here as long as the Mayor or Mayor pro-tem was here. He commented the way he was looking at this thing now was the Board was going to have a very difficult time coming to any agreement for lack of information. He added the Board did not need individual opinions, but it needed information from the governing authority of Fairburn, in order to have something substantial to base its judgements on. He said he felt it would be necessary since we did not have the governing authority of Fairburn with us today, that a meeting today would not comply with State law. He remarked the county was fully prepared to do it today as Fairburn was notified in writing, and if we don't have a meeting today, we have a very shortened process in which to take action. He said the county must do this before its next meeting now because we only have thirty days from notification if we don't have a meeting. He said the way he was looking at it, we don't have a meeting today.

City Attorney Sears said he respectfully disagree with the definition with what constituted a governing authority. He said certainly the county was entitled to its interpretation as it see fit. He stated the Mayor of the City of Fairburn was the Chief Executive and Chief Administrator/Officer of the City to the extent that even the Mayor and three councilmen would not be a quorum to the extent, on certain issues, as to whether or not a vote could be taken.

Chairman Dunn asked what would be a quorum.

Attorney Sears stated it would be four.

Chairman Dunn remarked you would need the Mayor and three.

Attorney Sears remarked that would be the case on certain issues. He added to the extent that he didn't think we anticipated or that this agreement annexation procedure anticipated that either body would be making a definite agreement at this point in time.

Chairman Dunn advised Attorney Sears that the Commissioners had to make a decision based on the information we would get from the governing authority. He said we would not be

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making agreements, we have a decision to make on how to proceed with this annexation request.

Attorney Sears explained that he was prepared to give the Board all of the information that the City possessed. He commented if the county wanted to turn around and use that, Mr. Dunn was extremely correct. He stated he was sure Mr. McNally or Mr. Davenport had advised that this particular situation was relatively new. He noted the Legislature only adopted this in the 2000 Legislative Session. He pointed out it was passed March 17, 2000 and the Commission could have simply turned around and denied the request under the statute. He said of course the reason representatives were here in initiating this was because Fairburn did receive an application for annexation from a property owner whose property abuts the City limits of Fairburn. He remarked one-half of the property was located in Fulton County and one-half of the property was located in Fayette County. He commented had this request been received in 1999, we would not have permitted it, so we are proceeding in that vain. He said he was not sure they had answers to our questions today.

Chairman Dunn stated we were not sure you do or don't either but he could tell him this, any answer we get from you in this configuration was not an answer from the governing authority.

Attorney Sears remarked that the governing authority would not be able to give the county an answer today under any circumstances.

Chairman Dunn said all he could say was Fairburn has initiated an action with us and we are required by law to respond to it, which we have done by the letter of the law. He asked Attorney Davenport if his assessment of what was going on here today was accurate or not?

Attorney Davenport stated he concurred with the Chairman's assessment, this is a new law, and the phrase used in the law is, "*the governing authority*". He said this same law did have a different terminology use when it talks about the county, or the municipality. He added there were certain positions in this law that referenced the governing authority, specifically, the governing authority of the county. He said if the county requests a meeting, it will meet with the governing authority of the municipality and he believed the record reflects that the governing authority for Mr. Sears was at a minimum of the mayor and three council members. He remarked that it could probably be higher, depending upon the issue. He said his research indicates and whenever he personally sees the phrase "governing authority", he used that synonymously with the quorum of the particular jurisdiction to take official action, if official action was necessary.

Chairman Dunn stated if the county was to proceed and end up at some point in litigation, then the allegation could be made that we didn't get our answers from the governing authority, we got them from three individuals who represented the City of Fairburn.

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Attorney Davenport said that was correct, and one of the factors that Fayette County governing authority had to look at, was whether or not there was some negative impact for this proposed annexation that had not been mitigated by an agreement with the government authority. He stated that if negative impacts were to come out of questioning the governing authority, you would like to know the position of the governing authority with respect to mitigating those negative impacts. He said in their absence, that agreement could not even start to be reached.

Chairman Dunn addressed Mr. Sears and Mayor Hannah and suggested that Fayette County had done everything it was required to do. He said to go further today with a meeting would not meet with the requirements of the law, and so his feeling was that there should be an end to this public meeting now between the city and the county. He said the county will proceed without information from the city.

Attorney Sears said that was up to Chairman Dunn but he thought what Fairburn was interested in here was preserving the rights of this property owner. He said the law provides that a request for a meeting should be held within fifteen days of the request by the county, unless otherwise agreed to by the county and the municipality. He stated he felt we could agree at this point in time to postpone the meeting to another date certain, and then the trigger would be the time limit, as long as that meeting was set, and the county's response would not start until after that meeting was held.

Chairman Dunn stated the county was prepared to go forward today if Fairburn had the proper representatives here, and we were prepared to make a decision today, with or without the information that may be provided. He suggested the county and the city could not even agree on when it could have another meeting because the governing authority of Fairburn wasn't here to agree on when the meeting should take place. He suggested to his Board members unless any of them had anything to say otherwise, that the meeting between the city and the county be cancelled as of right now.

Chairman Dunn thanked the Mayor, Attorney Sears and County Manager from Fairburn for coming. He said in passing that the action was initiated by a letter from Fairburn and he would have thought that the city would have been prepared to deal with this. He remarked that as Mr. Sears stated a few moments ago, he might not have a lot of answers right now, but the law states that the city must provide information to the county in order to move forward.

Attorney Sears stated he understood that but also the law provides for the County Commissioners to raise the concerns that they have, and it provides for us to get those answers. He said the City of Fairburn simply received an application and it was a Fayette County property owner, one of the Board's constituents he presumed, who had made this request. He said the fact that a county property owner initiated the request was why they were here, and so we will go back to the property owner and advise him.

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Chairman Dunn suggested this matter probably goes beyond that because if the city decided it didn't want to annex them, you could have said you didn't want to annex them and that would have ended it. He said because of this, his assumption was that Fairburn was fairly receptive to this.

Attorney Sears commented the council received the application on this and they have taken no action.

Chairman Dunn said his point was the City of Fairburn could have denied this.

Attorney Sears stated when the city received the application, it initiated the annexation process, we did not just deny this request, out of school, whether they were a Fulton County property owner or a Fayette property owner. He said they allowed due process to take place.

Chairman Dunn stated there were some requirements that could not be fulfilled here today. He thanked everyone for coming.

***On motion made by Vice Chair Wells, seconded by Commissioner Frady that the petition that was brought to the County by Fairburn for the annexation of some Fayette County property be denied and the discussion of that particular petition be ended at this time. The motion carried 4-0.*** A copy of Resolution No. 2001-07 denying the annexation request, and identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

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**PROPOSAL APPROVED FROM MGT OF AMERICA FOR A COMPENSATION AND CLASSIFICATION STUDY:**

Human Resources Director Connie Boehnke stated that in April 2001, staff was advised to develop a request for proposal to obtain fees and services for the purpose of conducting a compensation and classification proposal. She said it was written, it was reviewed and approved by the Board and proposals were solicited. She mentioned nineteen firms were contacted, and they received the proposal with three responding. She commented that upon receiving and reviewing them, the committee identified that the county had a good dilemma. She said they received three proposals from three very well qualified consulting firms. She mentioned after analyzing the entire situation, the committee felt it was necessary to do person to person interviews which were conducted by a panel consisting of Mark Pullium the Finance Director, herself, Janet Camburn, the Assistant Finance Director, and Joyce Payne, the Human Resources Coordinator. Ms. Boehnke called attention to page two of her memorandum, and said that all of the consultants met the minimum requirements of the RFP. She said all of them presented their information in a very professional manner but once everything was analyzed, we took a vote and the consensus was unanimous that MGT of America was the firm of choice.

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Ms. Boehnke said she was there to answer any questions the Board may have.

Commissioner Frady said he had one suggestion while they were going through this with the job descriptions that maybe MGT could use the DCA's job descriptions as the DCA did them all over the state. He stated further that maybe MGT could try to come as closely to DCA's job descriptions so that if they check someone's job description in another county, they may find the job descriptions might be fairly well classified the same way.

Ms. Boehnke stated she was not sure she understood the suggestion.

Commissioner Frady restated that the county has several classifications of jobs and the DCA has these job descriptions that fairly well match up throughout the state because they do job earnings all over the state. He added that DCA's job descriptions might come closer to the county's job descriptions and this may be better then going out to try and collect information about a certain job position.

Vice Chair Wells said she understood what Commissioner Frady was saying but she was not sure we should put this type of limitation on MGT. She mentioned if MGT was well qualified, and they've done successful evaluations in jobs throughout the state, she presumed they knew how to read and create a comparison basis, but to put them on a limitation of only using one standard, that of the DCA, might not be as applicable as MGT needed it and she would rather leave this to the professionals that we hire.

Commissioner Frady stated he intended to leave it to the professionals, but he was just suggesting to MGT that they use something like the DCA's job descriptions to describe these job positions better. He said he had heard many times around here that the job descriptions didn't match the job descriptions somewhere else. He asked how we would compare salaries which was what they were trying to do. He said that was his suggestion as he was just trying to simplify things.

Chairman Dunn said he tended to agree with Commissioner Frady, that what he suggested might be a good starting place for them to have the job descriptions that are common, and then we may find out that many will be close in description while others may not. He commented he thought they would probably do that but we might want to lead them in that direction, it may save a little time but he certainly would not hold MGT to this.

Vice Chair Wells said we would not hold them to DCA job descriptions.

Commissioner VanLandingham stated he thought this would be their practice because it would make their job easier, when they get a call to do this for us, they wouldn't have to go through this every time.

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Chairman Dunn asked if there were any other questions or comments and there were none. He mentioned that the county could have done this through the ARC as the ARC have people who do this, and it would have been less expensive for the county to have the study done through the ARC. He said the ARC would have compared us to Cobb, Gwinnett and Fulton County and this Board felt that was not an accurate thing to do. He asked if MGT had been advised not to include these cities in their study. He asked Ms. Boehnke which cities were not included.

Ms. Boehnke stated the cities were Gwinnett, DeKalb, and Decatur.

Chairman Dunn said the reason for these cities being eliminated from the study was because the Board felt it did not receive an accurate appraisal in the past on the classification and compensation by plugging us into the Atlanta beltway. He added the county felt some jobs here were more complex and some jobs were less. He stated certainly the compensation for those jobs was much different in a large city than they would be in the county, so there were a lot of considerations here.

Chairman Dunn remarked that someone asked him the other day if the ARC could do this study for the county and he said yes, they had done it in the past. He stated further that the county had not implemented the study because it wasn't even close to accurate for our population. He said Ms. Boehnke had done a good job sorting the firms out and he could support MGT of America. He pointed out that the individual that Ms. Boehnke was recommending was not the lowest bidder. He remarked that all of them were within approximately \$5,000, when you included the potential writing of new job descriptions. He said with all of the different things that Ms. Boehnke pointed out he felt she was on the right track here. He added if the study was done right, in the end the county may end up saving a lot of money. He said some people may think that everybody was going to get a raise but they were not. He stated some people were going to be held where they were and some people might not get a raise for another couple of years, and some might get a raise right away. He said he was very pleased with the recommendation made with their submission. He said he had read all of the submissions from all three companies and the company chosen was a lot more thorough. He said he was pleased to support Mrs. Boehnke's recommendation.

***On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to approve the proposal from MGT of America for a compensation and classification study. The motion carried 4-0.*** A copy of the proposal for a Compensation and Classification Study, identified as "Attachment No. 2", follows these minutes and becomes an official part hereof.

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**ADOPTION OF ORDINANCE NO. 2001-05, APPROVING EMERGENCY WATER RESTRICTIONS**: This item is continued from the May 24, 2001, Board of Commissioner's meeting.

Attorney Davenport stated the proposed new ordinance for emergency water restrictions identifies the odd/even and outdoor watering days as well as setting limitations for the amount of use in gallons per day (GPD) to update those numbers to current figures. He said he felt the primary reason for redoing this was to update the numbers. He said further this ordinance gave the Marshal's Office a document to use in enforcement.

Chairman Dunn said this document makes it a potential \$1,000 fine to violate the ordinance.

Attorney Davenport agreed the ordinance did, in that, the violation of our ordinance carries a \$1,000 maximum fine. He said it had usually been the tradition to leave it to the discretion of the judge as far as how much to levy.

Chairman Dunn pointed out that this ordinance now has an enforcement to it. He stated we have had several people over the last few years that have violated the ordinance and have been handled through warnings and so forth, but we are going to have to get a little tougher on it. He mentioned on the other hand, this new ordinance would have a graduated set of rules on water conservation. He remarked his assumption was these would automatically be triggered with no action by the Board, as soon as one of these things sets in.

Attorney Davenport said that was correct, the ordinance was a self-triggering ordinance..

Chairman Dunn asked if Water System Manager Tony Parrott would put the ordinance into effect automatically and Attorney Davenport said that was correct.

Vice Chair Wells asked if the county was in keeping with what the States penalty was, or did we have the latitude of giving somebody a warning the first time.

Attorney Davenport stated there was always the latitude of giving somebody a warning. He added he did not know if the State had a recommended guideline. He said some jurisdictions start off, for example, by giving a \$500 fine on the first offense, but there was some discretion to be able to allow for warnings in the event a warning would be more consistent with the circumstances.

Vice Chair Wells suggested we have the latitude of doing a warning the first time. She added although we did have public television and newspapers and things of that nature, there were an awful lot of people out there who were not always aware of when these ordinances kicked in and she would feel more comfortable if there was a warning. She said she did not have any problem with the wording, "not to exceed \$1,000, or sixty (60) days, or both", but she did feel

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in order to be equitable to everyone who may not have access to the information, she would like to see a warning issued first and people put on notice. She said this was a much fairer way to proceed and she would like to see this added in the ordinance. Ms. Wells commented one of the other things she would like to see changed about it, if possible, she would like to see the recommended restriction from the state moved up to a more central location. She mentioned she could see somebody going in to check an ordinance and glancing through this and seeing about the water restrictions and the hours and the total band and all of that, and saying okay I can do this, without realizing that the state limitations supersede and jump in ahead of this. She said the way it was written, the county sections were numbered and underlined so that the eye was drawn to them. She said Section 19-52 from the state was not set out and she could see someone coming in to look at the ordinance and assuming that they had gotten the full picture when they had not. She remarked that if we moved the state's requirements more closely to the beginning of the ordinance, people would have a better understanding that yes, the county has its restrictions, but the State's restrictions supersede the county's.

Chairman Dunn asked Attorney Davenport if the Board could approve the ordinance contingent upon Section 19-52 being moved closer to the beginning of the ordinance.

Attorney Davenport replied yes they could approve with a contingency. He said with respect to the warning issue, if the Board would like the warning language as part of the ordinance or just to be administrative, it was the Board's discretion.

Chairman Dunn commented the way he looked at this was it was just like the rest of the county ordinances, that you may have a fine for breaking a county ordinance. He stated it doesn't say anywhere that one has a right to a warning, but we often give them for everything else and he would like this to be just another ordinance. He said he felt like the marshal had been very understanding and very consideration when it came to issuing citations for county ordinance violations. He said it was usually only after a couple of instances with somebody that we end up trying to do something that we have to do to them. He added there was a potential here for a \$1,000 fine, and people ought to know it, but he didn't feel we should put in the ordinance that someone may also give one a warning. Some people will say then I deserve two warnings before I get a ticket. He said he preferred to keep it the way it was.

Vice Chair Wells remarked she understood what Chairman Dunn was saying but the language in this says, "*any person violating the provisions of this article shall be subject*".

Chairman Dunn commented the proposed ordinance states "shall be subject to", it doesn't say "shall be fined."

Commissioner Frady remarked that all of the county's ordinances say that.

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Vice Chair Wells stated that may be so. She said she felt the county would get into problems if we didn't spell it out that on the first offense, you will get a warning, and thereafter, it will be this, because then it appears to the public that somebody was being given preferential treatment.

Chairman Dunn said he felt if the first offense was egregious enough you wouldn't want to give them a warning. He said our marshals, most of the time, would probably give a warning.

Commissioner VanLandingham commented that he hoped the marshal would have enough judgement about him to take care of the situation as required.

Vice Chair Wells said the marshal was not the one who levies the fine.

Chairman Dunn said it was the Board who decided whether the marshal gives a warning or a citation.

Commissioner VanLandingham said he had three questions. He asked if this ordinance included private wells and Vice Chair Wells said no. He stated he knew some of the ordinance pertained to state regulation but why would they allow hydro-seeding when he couldn't water.

Attorney Davenport pointed out that Commissioner VanLandingham's question provided the answer, we know it comes from the state, because they set out certain exceptions on the front end that exempted commercial activities and generally the hydro-seeding on a commercial level would be exempted. He said further if someone wanted to, for example, plant a new lawn at their own residence, those restrictions would apply to the residential homeowner, they would not apply to the commercial industry that actually provides that service. He pointed out there were some different applications, depending on whether it was residential use or commercial use.

Commissioner VanLandingham stated his point was that a developer could hydro-seed yards, sell the house, and he can't water the grass that he bought.

Vice Chair Wells said he could water from 10:00 p.m. to 10:00 a.m. on odd/even days.

Commissioner VanLandingham said according to the ordinance, there would be certain times when he could not water. He questioned why golf course grass was any more important than his grass.

Commissioner Frady answered that most golf courses were watered with stored water, that most of them couldn't afford to water with a meter. He said he read somewhere that even if you have your own well, that the state can restrict you from using your own well.

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Chairman Dunn stated that almost a total watering ban was considered by the state this past year.

Vice Chair Wells said in Spalding County this past year, water got so tight, they shut down their commercial car washing endeavors and things of that nature, so it's predicated on the seriousness of the need.

***On motion made by Commissioner Frady, seconded by Commissioner Dunn to adopt Ordinance No. 2001-05, with Section 19-52 regarding the State's restrictions being moved close to the beginning of the ordinance. The motion carried 4-0.*** A copy of Ordinance No. 2001-05, identified as "Attachment No. 3", follows these minutes and becomes an official part hereof.

Chairman Dunn commented that we in Fayette County have not experienced the same kind of seriousness and water shortage as the rest of the metro area and some areas in the state. He said the credit for this not only goes to Mr. Parrott and the water crew from Fayette County, but it goes to our predecessors on this Board and the predecessors on the Water Committee as well, who years and years ago planned the best water system in the State of Georgia and now we have it. He said we were never in a great deal of difficulty last year, we never got down to the point where people would be out of water. He said our neighbors were not so fortunate. He commented this sort of thing didn't just happen by accident, this was twenty years worth of darn good planning and execution on the part of our water people.

Chairman Dunn remarked when he went to the ARC meetings, the people there drooled when they thought of the water we have here, compared to what they have. He stated one of the Board's efforts with the ARC will be to protect what Fayette County has purchased through their water bills. He commended Tony Parrott for the super job he was doing in managing the water system. He mentioned the county lakes were full and we were in terrific condition going into the heat of the summer. He said obviously the people of Fayette County were going to have to comply with whatever directives the Governor sent down here. He added as good neighbors we would want to do that anyway because even though we have water, if we don't have to pull it out of the Flint River and out of Line Creek, then the communities south of us can have more water. He commented we contribute to them by just conserving up here which was a good thing to do. He said he didn't believe Fayette County would suffer any great damages from the critical water shortage that has been seen in other areas, and some of them quite close to us.

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**NEW BUSINESS:**

**WORKER'S COMPENSATION PANEL OF PHYSICIANS APPROVED:** Human Resources Director Connie Boehnke called attention to the updated list of physicians which met the

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requirement of the law to be listed on our panel of physicians for workers compensation. She advised that the law would be changing January 1, 2002 that will expand the list of physicians from four to six. She said and since we were in the process of having to update the list, we just went ahead and implemented that at this time. She asked the Commissioners if they had any questions.

Chairman Dunn asked why were we proposing to put seven doctors on the list when the law only required six. He said there was no problem putting more physicians on the list.

Mrs. Boehnke advised that we had one orthopedic doctor on the panel and they recommended an additional one or two and so we went with the two.

***On motion made by Vice Chair Wells, seconded by Commissioner VanLandingham to adopt the proposed panel of physicians for worker's compensation. The motion carried 4-0.***

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**MARCY CURRY WILLIAMS REAPPOINTED TO THE MC INTOSH TRAIL MH/MR/SA COMMUNITY SERVICE BOARD:** Executive Assistant Carol Chandler called attention to the memos concerning these appointments. She said it had been recommended that the sitting person be reappointed to another two (2) year term and that was March Curry Williams. Ms. Chandler said this would be Ms. Williams' final two year term if she was reappointed.

Ms. Chandler stated concerning the Family and Children Services Board that if the Board chose to, she would prefer that the Commissioners include in their motion, the entire roster of appointments so that we may keep a better record of the appointments. She commented the two new persons being recommended for this Board were Mr. Andy Carden and Mr. Pete Nelms.

**On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to reappoint Marcy Curry Williams to another two-year term to the McIntosh Trail Mental Health/Mental Retardation/Substance Abuse Community Service Board. Ms. Curry's term commences on July 1, 2001, and expires on June 30, 2003. The motion passed 4-0.** A copy of the optional nomination form for Ms. Curry, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

**ANDY CARDEN AND PETE NELMS APPOINTED TO THE FAYETTE COUNTY FAMILY AND CHILDREN SERVICES BOARD:**

Chairman Dunn asked for the Board's pleasure in this matter.

***On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to approve the entire roster for the Fayette County Family and***

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***Children Services Board and to appoint Andy Carden and Pete Nelms to the Fayette County Family and Children Services Board with their terms commencing on July 1, 2001 and expiring on June 30, 2006. The motion carried 4-0.*** A copy of the DFACS Roster, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

Vice Chair Wells remarked that these individuals were some of the county's unsung heroes and volunteers in the community. She said normally there was not a lot of emphasis put on the people who were serving in these capacities. She said they were all volunteers and were all doing good things in the community to make it a better place to live, work and play. She said sometimes this just seemed to be routine. She felt everyone needed to be very cognizant of what these individuals were contributing on a daily basis to the betterment of the community. She said she just wanted to go on record as saying that the Board really appreciated the volunteers and the people who give their time and effort and seldom ever get recognized for it.

Chairman Dunn felt it was amazing to see Andy Carden, Pete Nelms and Marcy Williams wanting to do another term. He said between Andy Carden and Pete Nelms they were probably on approximately ten different committees, work groups, and civic groups in the county. He said it was this very small number of people who do a tremendous job in Fayette County. He said you could always count on some of these people and these individuals were three of them. He thanked them for their willingness to serve.

Vice Chair Wells asked if these individuals were given notification of the employee appreciation luncheon each year.

Executive Assistant Carol Chandler responded no. She said the individuals who were appointed to boards and committees were not included in the guest list although this could be done.

Vice Chair Wells felt this would be a good idea. She said nothing was really done to acknowledge their contributions. She felt a free lunch would be a nice idea.

Chairman Dunn pointed out that there was approximately twenty-five different boards and committees. He said there could be a lunch for the various individuals serving on boards and committees.

Vice Chair Wells said something needed to be done to recognize their contribution.

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**CONSENT AGENDA:** *Commissioner Frady requested item #5 be removed for discussion. On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to approve the agenda with the exception of item #5 which was removed for discussion. The motion carried 4-0.*

**GEORGIA DEPARTMENT OF CORRECTIONS CONTRACT:** Approve contract renewal with Georgia Department of Corrections. A copy of the contract, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**LARP AGREEMENTS BETWEEN THE COUNTY AND THE CITY OF FAYETTEVILLE:** Approve three (3) LARP Agreements between the County and the City of Fayetteville for resurfacing LAU 30-8530-97 (113) on various streets in Fayetteville; resurfacing PR8530-89 (113) Georgia Avenue, West; and resurfacing LAU 28-8530-85 (113) Jimmy Mayfield Avenue. A copy of the Agreements, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

**KENNY SHOCKLEY PLUMBING - BID AWARD FOR ANNUAL CONTRACT FOR WATERLINE EXTENSIONS:** Approve Water Committee Recommendation to award the annual contract for waterline extension to the low bidder, Kenny Shockley Plumbing in the amount of \$694,450.00.

**WATER COMMITTEE RECOMMENDATION CONCERNING SCRAP METERS:** Approve the Water Committee recommendation to bid out the sale of scrap meters removed during the installation of the radio read meters.

**HOLLEY CONSTRUCTION - BID AWARD FOR GRADING WORK:** Approval of recommendation of Finance Director Mark Pullium to award bid to Holley Construction in the amount of \$372,465, to incorporate site preparation and grading work for fire stations 1, 5, and 10.

**ORDINANCE NO. 2001-04 - APPROVAL FOR COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS AND AGREEMENTS UP TO \$10,000:** Approve Ordinance No. 2001-04 authorizing County Administrator to execute contracts and agreements on behalf of Fayette County up to \$10,000.00.

Commissioner Frady expressed concern about an ordinance being listed under the consent agenda. He said an ordinance was one of the county's laws and he felt it should be voted on separately. He said this was to approve raising the amount of money from \$5,000 to \$10,000, that the County Administrator can approve.

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***On motion made by Commissioner Frady, seconded by Vice Chair Wells, to adopt Ordinance No. 2001-04. The motion carried 4-0.*** A copy of Ordinance No. 2001-04, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**FAYETTEVILLE CARPET SALES - TO RE-CARPET TAX ASSESSOR'S OFFICE:**

Approval of recommendation from the Director of Purchasing Tim Jones to approve Fayetteville Carpet Sales in the amount of \$8,158.90 to re-carpet the Tax Assessor's Office.

**STARR'S MILL HIGH SCHOOL TOUCHDOWN CLUB - USE OF OLD BROOKS**

**FIRE STATION:** Approval of request from John DeCotis, Superintendent of Fayette County Schools, to let Starr's Mill High School Touchdown Booster Club use the old Brooks Fire Station during the months of June, July and August to build athletic lockers for the new field house located at Panther Stadium, Starr's Mill High School.

**MINUTES:** Approval of minutes for Board of Commissioner's meeting held on May 10, 2001.

**PUBLIC COMMENT:**

Members of the public are allowed up to three minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

There was no public comment.

**STAFF REPORTS:**

**RESOLUTION ADOPTED FOR ISSUANCE OF REVENUE ANTICIPATION BONDS FOR FAYETTE COMMUNITY HOSPITAL, INC.:** Attorney Davenport reported the Hospital Authority held a public hearing as a precondition to the issuance of bonds for improvements to the hospital. He stated as part of the federal requirement whenever these type bonds were issued, the governing authority of the county had to pass a Resolution acknowledging that this was occurring within their jurisdiction. He said this was by no means an obligation on the part of the county, as far as the county's tax base, but just a federal regulation that the Board of Commissioners needs to pass the Resolution acknowledging that this was occurring with the Hospital Authority within this jurisdiction.

Chairman Dunn remarked that the Hospital Authority was an independent authority and the Board was in no way agreeing with what they were doing necessarily. He said the Board would only be agreeing with the tax advantages that accrue to them and would incur no responsibility or financial obligation on the part of the county whatsoever.

Commissioner Frady asked what would happen if the Hospital Authority or the Hospital ever went away leaving debt on the building, who would pay for it.



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Attorney Davenport replied that he could not tell the Board who would pay for it, but he could tell the Board who would not pay for it, and it would not be the county. He said this would not obligate the county under any circumstances for the private anticipation notes that would be issued in this process.

Chairman Dunn pointed out that by adopting the Resolution, the Board was allowing the Hospital Authority to proceed to get a tax advantage from the federal government.

Commissioner VanLandingham asked Attorney Davenport to read the Resolution since he had not seen a copy of it.

Attorney Davenport proceeded to read the Resolution to the Board.

Chairman Dunn remarked that these bonds would be issued for renovation and so forth but these would not be seen from outside of the building. He said the top portion of the hospital was unoccupied at this point and most of the proposed construction was within the building itself.

***On motion made by Vice Chair Wells, seconded by Commissioner VanLandingham to authorize Chairman Dunn to execute the Resolution approving the issuance of revenue anticipation bonds by the Hospital Authority of Fayette County for the benefit of Fayette Community Hospital, Inc. The motion carried 4-0.*** A copy of the Resolution, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

**MCDONOUGH/COUNTY LINE ROAD UPDATE:** Public Works Director, Lee Hearn stated that staff was still working with the D.O.T. and staff was to try and get some rectification in terms of the D.O.T.'s estimate of \$270,000 for the project. He said the county's estimate was considerably higher. He said he called the D.O.T. office today but was unable to contact anyone. Mr. Hearn added that the county's estimate included \$100,000 for utility relocation and the total estimate was \$824,000. He stated if you included the utility relocations in the Georgia D.O.T. estimate, it would be \$370,000. He noted there was a considerable gap between the two estimates. He said the county's approach all along on this project was that McDonough Road was slated to become a state route, and it had already been given a designation as State Route 91. He said with the problems he has had there in terms of traffic, site distance, and safety, he wanted to see improvements made to that intersection. He said he felt like when the D.O.T. was lobbied, Georgia D.O.T. had agreed if Fayette County would provide the design work and acquire the necessary right-of-way, then Georgia D.O.T. would let the project. He said the county would then have no further obligation on the project other than having the obligation of relocating the utilities that were affected.

Chairman Dunn remarked that they had estimated the original job would cost \$270,000. He said then he had received a letter from Secretary Coleman stating that they were going to take

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\$70,000 away from that project and Fayette County would either match it or they were not going to do it. He said when the county started looking into it, the estimate for the job was really closer to \$900,000. He said if D.O.T. was only going to put \$200,000 into the project, the county didn't want to think we were going to have to add \$70,000, and it turns out that the county would have to add \$700,000. He said staff was now in the process of working this out and they will come back when they know what to advise us.

Commissioner Frady said he understood all of this but the letter he saw said the D.O.T. wasn't going to guarantee the \$200,000 now either. He said it was just there right now and they start their new year in October. He said some work had been done on McDonough and right now things didn't look too good out there.

Mr. Hearn said that staff had been told that the project would be let this summer. He said there were actually two projects out there. He said one project was the McDonough Road/County Line intersection. He said the hill would be taken down and sight distance improved. He said part two would be the realignment of McElroy Road with County Line Road. He said it had been his plan to realign McElroy Road with county forces and actually get the Georgia D.O.T. to pay for the materials including asphalt and rock. He said he would coordinate with the State's contractor as far as when the open date would be.

Commissioner Frady said he would be interested in getting the cost for doing the intersection so that one could go through there.

Mr. Hearn said he agreed but remarked that there was one problem there. He said in order to take the hill down and improve the sight distance, there would have to be a detour built to detour the traffic around the area where the road would be taken down to six feet at the maximum point. He said the detour would work fine unless he relocated McElroy Road across from County Line Road and then that messes his detour up. He said he could not relocate and realign McElroy Road until after that road was ready to go. He said this situation was working much better with the turn lane and the three way stop.

Chairman Dunn commented the one thing that we could not allow to happen was to be stuck with a \$750,000 bill to do a state road. He said putting some money in to help our citizens was one thing, but building a state road for them was another. He said we had to be real careful on this one.

The consensus of the Board and Lee Hearn was to visit the D.O.T. but first allow the D.O.T. staff to work on their estimates, and to make sure that the scope of the project had not changed.

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**2001-2002 FISCAL YEAR BUDGET MEETINGS:** Executive Assistant Carol Chandler said there were copies of the budget on hand for review by the public and press in the Administrative suite. She stated there was also a copy in our Public Library. She mentioned the first of the required public hearings was scheduled for next Thursday, June 14<sup>th</sup>, as part of the Board's county commission meeting. She said the second meeting scheduled for June 28<sup>th</sup>, would probably be the meeting when the budget would be adopted as it must be adopted by July 1<sup>st</sup>. She presented the Board with workshop dates, Friday, June 8<sup>th</sup>, Monday, June 11<sup>th</sup>, until noon, and all day Tuesday, June 12<sup>th</sup>, Wednesday, June 13<sup>th</sup> all day, and Friday, June 15<sup>th</sup> all day.

Chairman Dunn asked if those were the only days she had.

Ms. Chandler said she felt that the Commissioners could discuss the budget on the days just mentioned and if they needed more days, it could be scheduled.

Ms. Chandler stated she had received requests from department heads asking whether they had to appear before the Board.

It was the consensus of the Board to have someone from each department there.

There being no further business to come before the Board, a motion was made by Vice Chair Wells to adjourn the meeting at 5:00 p.m.

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Linda Rizzotto, Chief Deputy Clerk

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Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 28th day of June, 2001.

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Linda Rizzotto, Chief Deputy Clerk